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Attorneys for Defendant Mitsui & Co. (Taiwan), Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Case No. 3:11-cv-03856-SI

Master File No. 3:07-md-1827-SI

MDL No. 1827

This Document Relates to Individual Case
No. 3:11-cv-03856-SI

SCHULTZE AGENCY SERVICES, LLC,
on behalf of TWEETER OPCO, LLC and
TWEETER NEWCO, LLC,

**STIPULATION REGARDING
DEFENDANT MITSUI & CO. (TAIWAN),
LTD.'S RESPONSE TO THE FIRST
AMENDED COMPLAINT AND
[PROPOSED] ORDER**

Plaintiff.

V.

AU Optronics Corporation, et al.,

Defendants.

**STIPULATION RE: MITSUI TAIWAN 'S RESPONSE
TO THE FIRST AMENDED COMPLAINT**

Case No. 3:11-cv-03856-SI
Master File No. 3:07-md-01827-SI

1 WHEREAS, plaintiff Schultze Agency Services, LLC, on behalf of Tweeter Opco, LLC
 2 and Tweeter Newco, LLC (“Tweeter”) filed a First Amended Complaint (the “FAC”) in the
 3 above-captioned action against defendant Mitsui & Co. (Taiwan), Ltd. (“Mitsui Taiwan”), among
 4 other defendants, on December 6, 2011. (*See* Master Dkt. #4283.)

5 WHEREAS, on January 10, 2012 most of the defendants filed a joint motion to dismiss
 6 the FAC for failure to state a claim. (*See* Master Dkt. #4522.)

7 WHEREAS, Mitsui Taiwan did not participate in the defendants’ joint motion to dismiss,
 8 having previously entered into a stipulation with Plaintiffs deferring Mitsui Taiwan’s deadline to
 9 respond to the FAC until after the Court ruled on Mitsui Taiwan’s motion to dismiss for lack of
 10 personal jurisdiction in the related case of *Electrograph Systems, Inc., et al. v. Epson Imaging*
 11 *Devices Corp., et al.*, Individual Docket No. 3:10-cv-00117-SI (N.D. Cal.), Master Docket No.
 12 3:07-md-01827-SI (N.D. Cal.). (*See* Master Dkt. #4203.)

13 WHEREAS, on February 1, 2012, the Court denied Mitsui Taiwan’s motion to dismiss for
 14 lack of personal jurisdiction in the related *Electrograph* action. (Master Dkt. #4742.)

15 WHEREAS, Mitsui Taiwan’s deadline to move, answer, or otherwise respond to the FAC
 16 in the instant case is February 22, 2012, twenty-one-days after the Court ruled on Mitsui Taiwan’s
 17 motion to dismiss the amended complaint in the related *Electrograph* action. (*See* Master Dkt.
 18 #4203.)

19 WHEREAS, in the interests of avoiding duplicative motion practice on the question of
 20 personal jurisdiction, Mitsui Taiwan intends to join the defendants’ joint motion to dismiss the
 21 FAC in the instant case as opposed to filing a separate motion to dismiss under Fed. R. Civ. P.
 22 12(b)(2).

23 WHEREAS, in the interests of efficiency and judicial economy, the parties to this
 24 Stipulation have agreed that Mitsui Taiwan, by joining in the defendants’ joint motion to dismiss
 25 the FAC, as opposed to filing a separate motion to dismiss under Fed. R. Civ. P. 12(b)(2), shall
 26 not be deemed to have waived its personal jurisdiction defense.

27 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the
 28 undersigned counsel, on behalf of their respective clients, Tweeter, on the one hand, and Mitsui

1 Taiwan, on the other hand, that Mitsui Taiwan, in joining in the defendants' joint motion to
 2 dismiss the FAC, shall not be deemed to have waived the defense of lack of personal jurisdiction.
 3

4 Dated: February 21, 2012

5 By: /s/ Michael E. Mumford

6 Paul P. Eyre

7 Ernest E. Vargo

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25 *Counsel for Plaintiff Schultze Agency Services, LLC,
 on behalf of Tweeter Opco, LLC and Tweeter Newco, LLC*

27 Attestation: The filer of this document attests that the concurrence of the other signatories
 thereto has been obtained.

1 **[PROPOSED] ORDER**
2
3

IT IS SO ORDERED.

4 DATED this 21st day of Feb, 2012, ____.
5

6 By:

7 _____
8 Hon. SUSAN ILLSTON
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Susan Illston